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ABSTRACT

This paper discusses the experiences of the Research Department of the Italian Chamber of Deputies over the past few years. The first section describes the origin of the department in the 1970s, including political factors, basic organizational features, and the salient features of the department's activity. The second section addresses the following changes of the 1990s: the Italian system began to resemble more closely a typically European parliamentary system; the parliament decided to confer wide-ranging delegated powers upon the government in order to implement economic and administrative reforms; important reforms were introduced that led to an extensive devolution of power to the regions and municipalities; and the privatization of substantial section of economic activity previously owned by the state in key sectors of the economy led to the establishment of independent authorities with strong regulatory powers in their specific sectors. This section also lists necessary actions in order to tap external expertise effectively to make it useful for legislative decision-making. It is concluded that it is fundamental for research department to actively support the efforts of parliamentary bodies so as to play a leading role in the new open circuits of knowledge. (MES)

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Essential information for post-encyclopaedic parliaments: the Italian case

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Introduction

I shall illustrate the experience gained by the Research Department of the Italian Chamber of Deputies over the past few years.

In particular I shall illustrate the major forces which shaped the Department. How it reached its maturity in the early '90s, what pressures towards change were then perceived as a result of the changing role of Parliament in the Italian institutional system. And lastly how the Research Department has endeavoured in last few years to be innovative in the delivery of the services and products offered in response to parliament's new demands for information.

My presentation refers to the Italian case, although it also takes into account the very intense work carried out on the issue of parliamentary information both by political networks (such as the Conference of Speakers of the European Union Parliaments) and by technical networks (such as the European Centre for Parliamentary Research and Documentation). I shall also draw on the results of the OECD survey on Parliamentary procedures and relations based on responses received from legislatures in 24 member countries as well as the European parliament. The survey was presented at the plenary meeting on the Conference of Presidents of EU Parliaments held in Rome in September 2000.

The origin of the Research Department of the Chamber of Deputies.

The Research Department of the Chamber of Deputies began to be organized in its present form in the mid '70s. One of the main political factors contributing to the establishment of the Department was the entry into parliament of new, highly active, minority groups. It was above all these groups that needed for

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their parliamentary work sources of expertise alternative to those of the government or the large traditional political parties.

The first choice in the organization of the Department consisted in identifying the parliamentary committees as the main clients of the new Department. This choice was consistent with the characteristics of the legislative work carried out by the Italian parliament.

As in most parliaments, the committees are the true driving force behind law-making. In the Italian parliament, this is however true to an even greater degree because of a series of institutional peculiarities.

The Italian parliamentary committees for example have the power to directly approve legislation without the bill being considered on the Floor of the House. This procedure requires a broad consensus (it can be blocked by 1/10 of the members of the House) and is prohibited in certain matters: however, this has not prevented the committees from making extensive use of this opportunity. Nearly 70 per cent of the laws approved by the Italian parliament in the period 1948-1992 were passed using this decentralized committee procedure.

This procedural characteristic, together with other factors, has meant that the degree of modification of bills during the committee stage is very high. There is no bill – even among those of the highest political significance introduced by the government - which is not profoundly amended during its consideration by the relevant Committee. During the first 50 years of the history of the parliament of the new constitutional regime (1948-1992) the parliamentary committees have certainly represented the main law-making centres. They had a nearly complete command of the regulatory context for each new piece of legislation. This was made possible also by the fact that the committees (and the large parties represented in them) had very strong links with both the relevant ministry and with significant interest groups in each sector. This ensured that the vertical integration between ministry, parliamentary committee and interest groups functioned smoothly from the point of view of legislative production. Of course, it also meant a corresponding weakness of the government as a collective institution (via-à-vis the perspective of individual ministries) and a highly sectoralized legislation.

The services and products offered by the Research Department during its first 15 years of activity were an attempt to respond to the operational requirements of the parliamentary committees in that particular context.

The basic organizational features of the Research Department were as follows:

The Department was and still is divided into units, corresponding to the parliamentary committees. Each unit is headed by an official (professional staff member) responsible for that particular sector. Each official has the assistance of two documentalists and one or two persons with secretarial duties. In this structure a key role is played by the documentalists who are responsible for document filing and retrieval (now performed also with the help of databases).

For each bill considered by a committee, the unit prepares a 'bill paper'. This is a volume that in the first instance contains information sheets on the content of the bill. These are accompanied by the text of the regulations relevant to the issue on which the bill is focused. The volume also contains any other type of material considered of interest to the committee discussion (jurisprudence, scholarly opinions, statistical data, etc.).

The file is distributed to all the members of the committee prior to the beginning of discussion of the bill. This wide circulation is of fundamental importance: it means that the Department's documentation activity is politically neutral and available to all parliamentary groups and individual deputies.

As well as producing the bill paper, the Research Department official also attends the committee sittings. Together with the officials of the committee secretariat he/she acts in an advisory capacity concerning the text to the committee chairperson, the rapporteur and all the deputies.

Briefly, the salient features of the Department's activity may be described as follows:

- The main product of the Department (the bill paper) and the advice provided in conjunction with it are related to the individual bills under consideration by the committees.

- The purpose of the file is to allow the rapporteur and the other members of the committee to handle the bill with ease and to modify it as effectively as possible in the context of the existing legislation (by submitting amendments, participating in drafting sub-committees etc.).

- The principal content of the file (and of the related expertise) is thus technical-legal in nature. The aim is to help members of Parliament find the most suitable legislative solution.

- The paper's value added in terms of information thus consists in the technical details referring to each individual bill. The macro-context where each new piece of legislation fits in remains in the background. It is indeed assumed that the parliamentary committee already has a sufficient command of all the contextual data relevant to the decision.

The great changes of the '90s.

Starting in the '90s very important changes occurred in the activity and role of the Italian parliament which led to a profound transformation of the way the Research Department operates.

The following is a brief outline of the most important changes in the political setting.

- The Italian system began to resemble more closely a typically European parliamentary system, with the government playing a fundamental guiding role in parliamentary work. The major factor in this change was the European Union. In order to attain the financial criteria required for joining the EMU (European Monetary Unit) Italy was obliged, starting in 1992, to implement reform policies that were strongly led by the government and had an intersectorial nature.

- In order to implement the sweeping economic and administrative reforms of the '90s, the parliament decided in most cases to confer wide-ranging delegated powers upon the government.

- In the second half of the '90s important reforms were introduced that led to an extensive devolution of power to the regions and the municipalities.

- The privatization of very substantial sections of economic activity previously owned by the State in key sectors of the economy (telecommunications, energy, etc.) led also in Italy to the establishment of independent authorities with strong regulatory powers in their specific sectors.

Due to these sweeping changes the parliamentary committee system and the attendant sectorial legislation lost their central role. The committees were no longer at the heart of law-making. Their position became more 'lateral' with respect to the context in which their activity has an impact. The most important

decisions concerning their areas of responsibility were now often taken outside parliament: by the government, by the European Union, by the regions, by the independent authorities.

If the committees and the parliament wish to continue to play an effective role in the decision-making process, they must today show themselves capable of capturing the critical inputs of this process, which often come from outside the parliament. They must naturally be equipped with the right tools to do so - procedural and fact-finding tools.

From the procedural point of view, the Chamber's Rules of procedure were radically overhauled in 1997 with this aim in mind. The rules on the legislative procedure at the committee stage were radically modified to strengthen the channels of interaction between the committees and external players, in the first instance the government.

It became clear that, as a result of these changes and amendments to the Rules, also the activity of the Research Department would have to be fundamentally overhauled. In what way?

The management of the Research Department had to make a series of difficult decisions.

On the one hand, it was clearly apparent that the traditional method of documentation was now inadequate. The provision of a service concentrated on legal and legislative technique now met only to a limited extent the information requirements of parliamentary committees.

On the other hand, it was not reasonable to transform the Department from a centre specialized in legal and legislative technique into an 'encyclopaedic' centre capable of providing directly high quality expertise on all matters of content involved in law-making.

This type of transformation would not only have come up against insurmountable budgetary constraints: it would also have been in conflict with the very institutional logic underlying the reform of the Rules of procedure, namely that the essential information should emerge from a process of interaction and consultation between parliamentary committees, the government and the other relevant stakeholders in that specific sector.

The strategic choice made by the Research Department aimed at attaining an overall integrated innovation of the product and services offered to the parliamentary committees, with unchanged administrative resources. The basic idea was to include as far as possible the documentation activity in the actual legislative procedure at the committee stage, thus making documentation an important piece in the game played by the political actors (government, majority, opposition) in that particular decision-making arena.

As far as the products were concerned, the efforts were directed towards profoundly changing the content of the basic product of the Department - the bill paper or bill file. The aim was to make the file a simpler product. In particular, the ambition to include in the file all the information that might be deemed useful for 'good' legislative action was abandoned. Instead it was attempted to render the file a useful tool for deputies in a committee *to raise questions* on critical points of the bill under consideration.

Has an assessment been made of all the aspects regarding compatibility with EU legislation? Have any of the boundaries of regional and local authority jurisdiction been overstepped? Do any problems exist concerning clarity of the text? On this and other points the file refrains from giving exhaustive answers, but endeavours *to 'prime' the preliminary scrutiny and consultation the Committee must carry out.*

The changes in the file entail considerable change also in the activity of the Research Department official assigned to each parliamentary committee. He is not so much the expert to whom questions must be addressed as, rather, an expert in inter-institutional relations capable organising of the information-related activities of the committees.

In order to organise the fact-finding activity of the committees it is crucial to provide adequate support for the best possible selection of the external players to be heard.

It is no easy matter to tap external expertise effectively so as to make it useful for legislative decision-making. In order to achieve this objective it is necessary to

- devise innovative parliamentary procedures (sometimes adopting ad hoc solutions agreed among all the political parties),
- select the external players to be consulted in such a way as to obtain the best possible mix of technical expertise and different political opinions,
- carefully identify the most appropriate stage for fact-finding activities in the legislative process.

In order to achieve these objectives the Research Department officials work in close contact with their colleagues in the committee secretariats on the basis of the input from the Bureaus of the committees themselves.

Conclusions

One primary aim of the products and services offered by the Research Department of the Chamber of Deputies has thus become to support the committees and other parliamentary bodies in establishing useful contacts with external expertise centres. This is a development that is designed to provide positive support for the transformation process towards a post-encyclopaedic model of parliament.

The birth of modern parliamentary systems was contemporary with that of the great encyclopaedias. In a certain sense, the parliaments purported to be great encyclopaedias of political knowledge. There was no issue that they could not incorporate into the powerful circular system of parliamentary committees.

The common epistemological basis ensuring the possibility of 'closing the circle' ("kyklos") of the parliamentary encyclopaedia was humanistic culture. It is no coincidence that this was the background of the majority of great statesmen of the 20th century.

Today this unifying function of humanist knowledge is no longer. The very model of 'encyclopaedic' knowledge has now been superseded by 'network' models of knowledge that are offered as systems open to constant updating from the outside.

If parliaments continued to be founded on the 'closed' model of the encyclopaedia they run the risk of ending up like the great encyclopaedias of our fathers. At best, they are left on the family bookshelves for purely decorative purposes. At worst, they are simply moved up into the attic.

We must help parliaments to avoid suffering the same fate. It is now fundamental for research departments to actively support the efforts of parliamentary bodies so as to play a leading role in the new open circuits of knowledge.